

**IN THE U.S. DISTRICT COURT FOR MARYLAND,
SOUTHERN DIVISION**

BEYOND SYSTEMS, INC.)	
)	
Plaintiff)	
v.)	Case No.PJM 08 cv 0921
)	
WORLD AVENUE USA, LLC, et al.)	
Defendants)	
_____)	

**DEFENDANT, WORLD AVENUE USA, LLC’S MOTION TO QUASH PLAINTIFF,
BSI’S SUBPOENA ISSUED TO NON-PARTY ENOM INCORPORATED**

Defendant, WORLD AVENUE USA, LLC (“WAUSA”), by its undersigned counsel and pursuant to Fed. R. Civ. P. 45, hereby files its Motion to Quash or Modify the Subpoena (the “Subpoena”) served by Plaintiff, BEYOND SYSTEMS, INC. (“BSI”) on Non-Party, ENOM INCORPORATED (“Enom”) due to its personal interest in the confidential documents that are the subject of the Subpoena, and in support thereof, states:

1. Plaintiff BSI has served a non-party Subpoena on Enom seeking production of documents on April 7, 2010. A copy of the Subpoena is attached as Exhibit “A.”
2. Enom is a domain name provider and provides similar services to Non-Party Tiggee, LLC d/b/a DNS Made Easy (“DNS Made Easy”), except relating to internet domain names.
3. In the Subpoena, Plaintiff BSI seeks documents concerning domain names that are far beyond the scope of those at issue in the Amended Complaint and those identified in an Affidavit of Paul Wagner filed in this action, just as it did with the DNS Made Easy Subpoena.

Moreover, it seeks documents related to entities that are also far beyond the scope of the Amended Complaint.

4. Following voluminous briefing by the Parties at DE 159, 166, 168, 169, 184, 185, 198, 202, 203, 204, and 206, the Court entered an Order dated April 16, 2010, which limited Plaintiff BSI's discovery to the entities at issue in the Amended Complaint and to the 41 Domain Names identified in the Affidavit of Paul A. Wagner. The Court also overruled certain objections of WAUSA to the Subpoena. A copy of the Order is attached as Exhibit B.

5. Plaintiff BSI has filed a Motion for Reconsideration at DE 217 filed May 1, 2010, which asks the Court to re-consider its ruling.

6. The Enom Subpoena raises identical issues that were already briefed relating to the DNS Made Easy Subpoena. It is WAUSA's position that the Court's ruling at DE 213 should apply to the Enom Subpoena and the Parties should not have to re-brief the same issues twice. In fact, in BSI's filings relating to the DNS Made Easy Subpoena, it repeatedly referred to the Enom Subpoena and made the same arguments relating to both Subpoenas. BSI should not be permitted to re-litigate the same objections, and likewise, WAUSA is bound by the rulings at DE 213.

7. WAUSA twice made good faith attempts to confer with BSI to determine whether it would agree that the scope of the Enom Subpoena should be governed by the Court's Order at DE 213. Both attempts were ignored, and are attached hereto as Exhibits C and D.

WHEREFORE, WORLD AVENUE USA, LLC respectfully requests the entry of an Order modifying the Subpoena issued by BSI on ENOM to the same extent as the Court's Order

at DE 213, subject to the Court's ruling on the Motion for Reconsideration at DE 217, and for such other and further relief that this Court deems just and proper.

Dated: May 7, 2010.

Respectfully submitted,

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